



Statewide Protective Order Project--2020

YOUR FARE SHARE 2020 CONFERENCE



HB2249

2018 session

Effective 1/1/2020

Affects OP, IAH,
IAWH, EOP





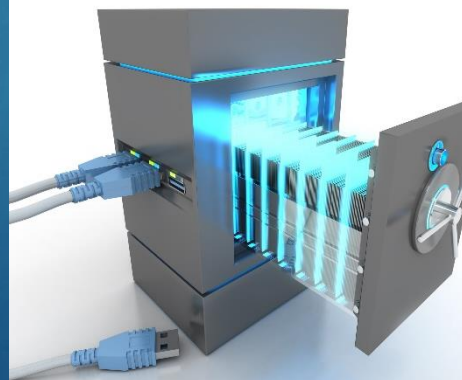
Service via portal

- ▶ COURT WILL TRANSMIT (VIA AOC) PETITION AND OP TO LAW ENFORCEMENT OR CONSTABLE FOR SERVICE.
- ▶ PROCESS SERVERS WILL HAVE LIMITED ACCESS TO PORTAL



Proof of service

- ▶ File proof of service within 72 hours of service.
- ▶ Electronic filing and transmission preferred.
- ▶ For Order of Protection, plaintiff must be contacted if OP not served within 15 days.
- ▶ Law enforcement must continue to attempt service of an OP for year that the order is valid.





Central repository— Court Protective Order Repository (CPOR)

THE ARIZONA SUPREME
COURT/AOC REGISTERS
SERVED ORDERS WITH NCIC.

INJUNCTION AGAINST HARASSMENT (IAH) OR WORKPLACE HARASSMENT (IAWH)

Plaintiff must arrange for service; pay fee (unless dating relationship or sexual violence).

Server must file proof of service with the court within 72 hours via Service Portal.

AZ Supreme Court is central repository; registers served IAH with NCIC.

CHANGE

CHANGE



Emergency Order of Protection

- ▶ EOP duration increases. Expires at the close of next day of judicial business or 72 hours after issuance, whichever is longer.
- ▶ Documenting the EOP. A judicial officer who issues an oral Emergency Order of Protection must document its issuance as soon as practicable.





CHANGE

Law enforcement

- Serve the EOP on the defendant
- File proof of service with the court
- Register the order with NCIC



AZ Protective Order Initiation and Notification Tool

Partnership with ACJC

- ▶ ACJC drafted legislation in collaboration with stakeholders.
- ▶ Established goals of automating the protective order system, increasing number of served OPs, enlarging number of OPs reported to NCIC
- ▶ Obtained grant funds to support AOC-ITD technology project

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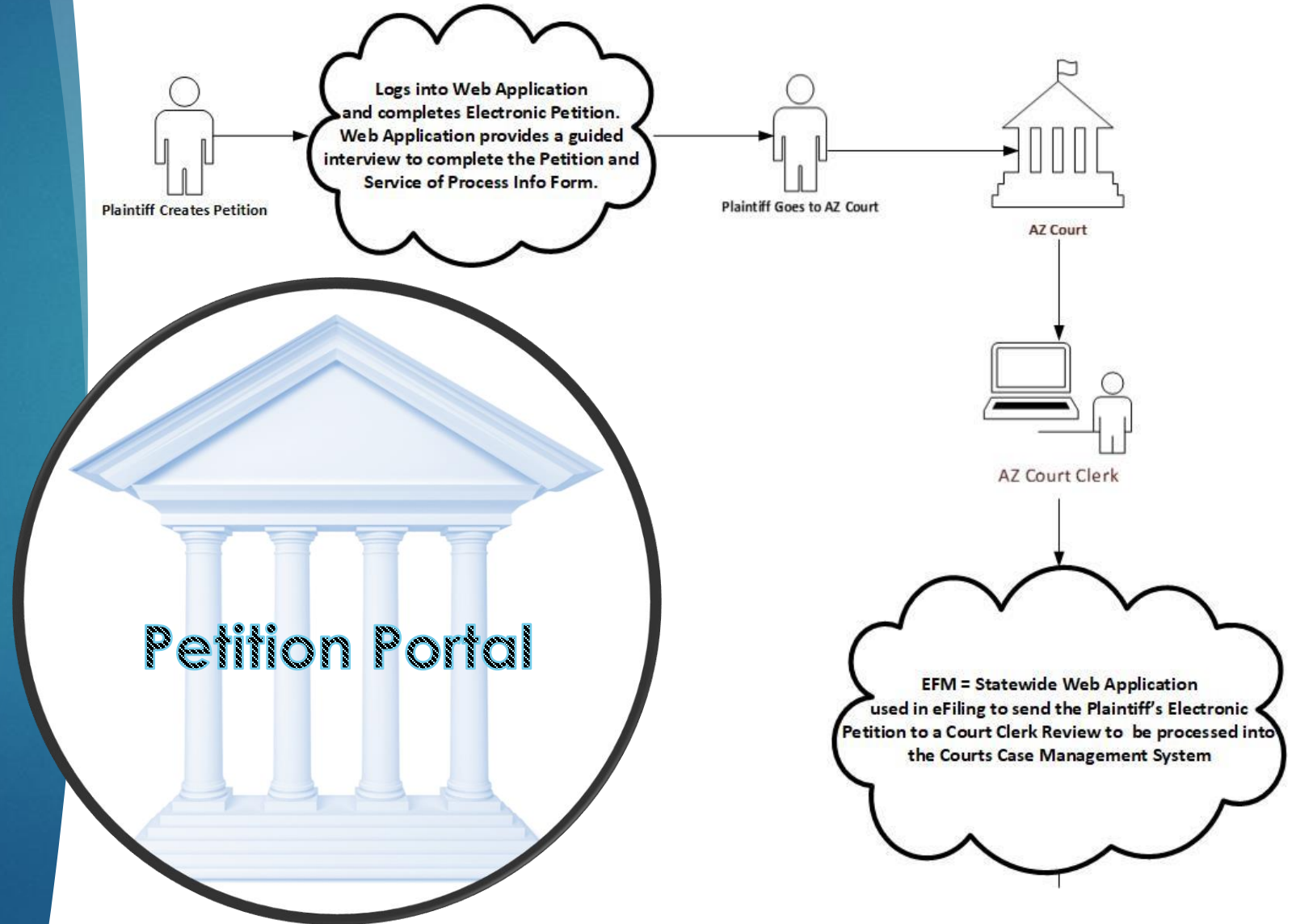
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- ▶ Guided interview
- ▶ Document completion—Plaintiff Info Sheet, petition, Service of Process form
- ▶ To file, Plaintiff takes petition number to court of choice (unless family court case pending).
- ▶ Court downloads forms from web portal; then portal is locked.
- ▶ Plaintiff can file on paper, but Petition Portal preferred

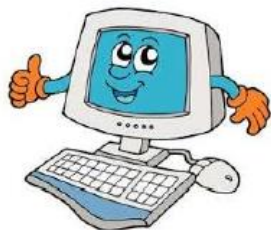


Other features

- ▶ Floating safety button
- ▶ Computer safety information
- ▶ Guidance on how to obtain a new email address
- ▶ Contact information for ACESDV/NCADV and legal services
- ▶ Hover help
- ▶ Accessible on multiple devices (laptop, PC, smartphone, Apple, Android, etc.)



Asking for an Order of Protection



Enter your information on this computer using "AZPoint"

Write down your Confirmation Number at the end of the program

Confirmation Number #



You don't need to print anything

Go to your Court and tell them your Confirmation Number



As soon as the judge signs the Order of Protection, the Court sends it to law enforcement to serve on the other party

Using AZPoint

<https://azpoint.azcourts.gov>

(does not work on Internet Explorer)

Click **Create Account** and enter your contact info

Go to your email and verify your account

Click **Start A New Petition** and answer all the questions

Click **Save Progress** often to save your work

At the end of all the questions click

Make Court Ready

Then click **Save Petition**

Write down your Confirmation Number



Click **Log Out** to protect your personal information

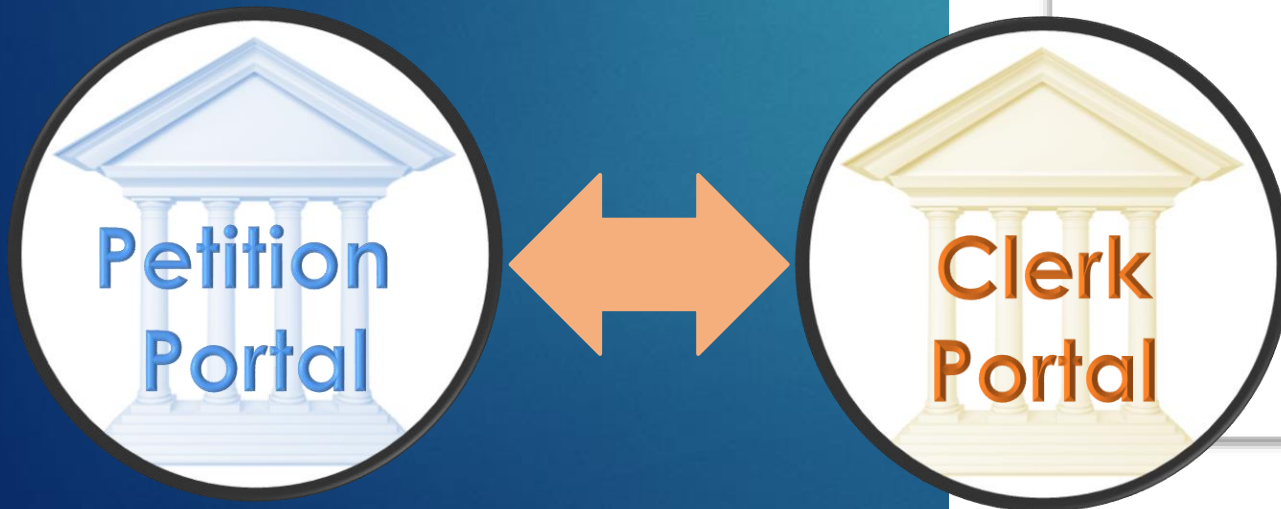
Demo of Petition Portal



Petition Portal

- ▶ Saving Defendant's information
 - ▶ Completes Plaintiff Info Sheet, petition, Service of Process form
- ▶ Use all three SAVE buttons
- ▶ Allow plaintiffs to use handwritten petition if uncomfortable with the computer or having technology issues in the portal.
- ▶ If AJACS, petition can be edited.

Options for accepting the petition



Walk-in customers can complete paper petitions where automation is not ready to interact with the Petition Portal.

Court Clerk can scan the order and petition to submit manually to AOC.

For courts using the AJACS case management system, when the clerk unlocks the person's petition, the data will flow into AJACS

Changes can be made to petition until case is created

Ex parte hearing

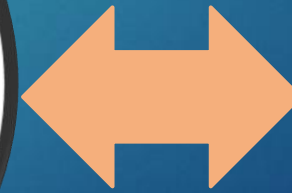
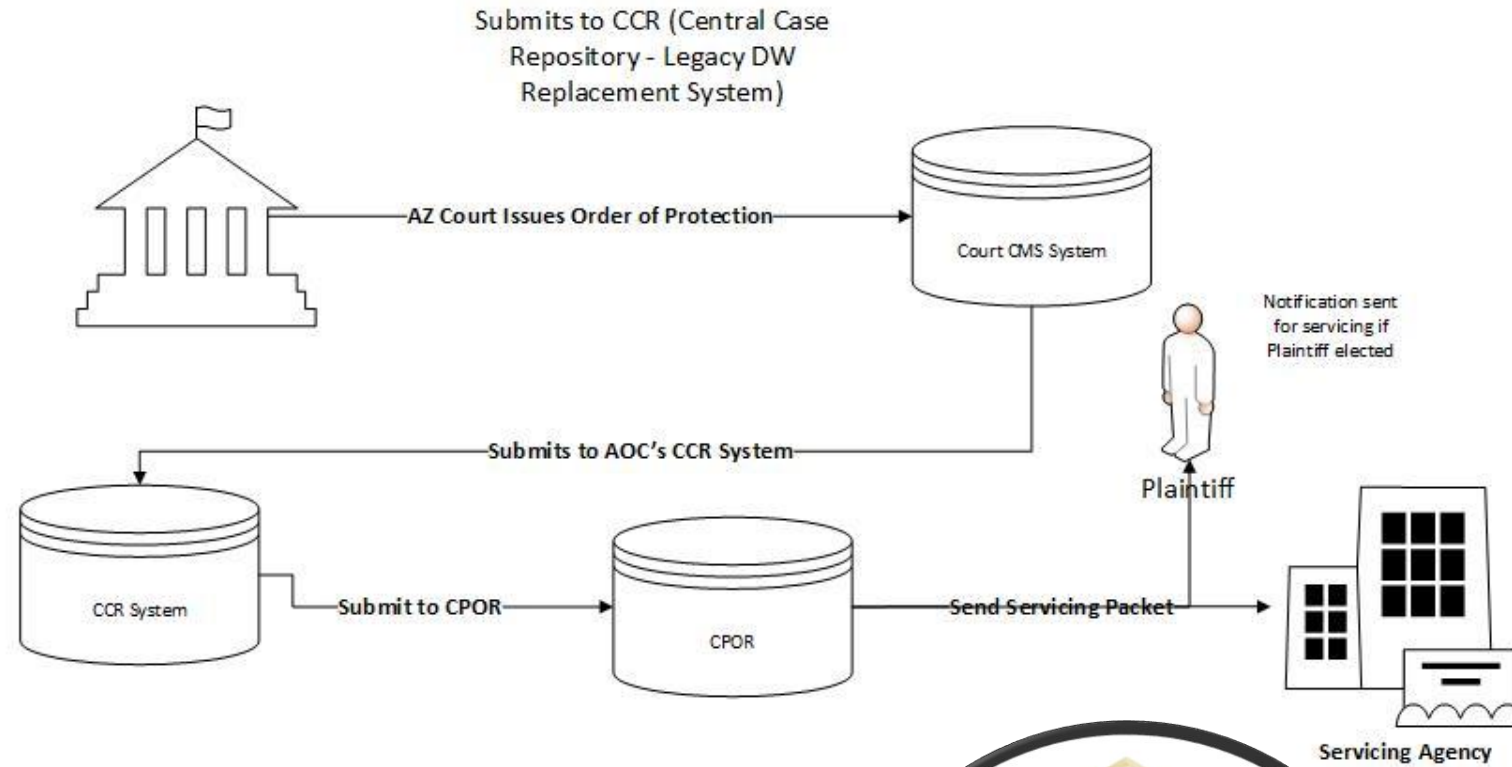
When an Order of Protection is granted, the court must submit it for transmission to law enforcement/constable for service.



Rule 31, Arizona Rules of Protective Order Procedure

- ▶ Effective 1/1/2020
- ▶ Court to transmit OP to law enforcement for service on same day issued...
- ▶ Unless judge makes findings—on the record—of extenuating circumstances.
- ▶ Then court must transmit for service no later than 72 hours from date of issuance.





Clerk Portal features ...

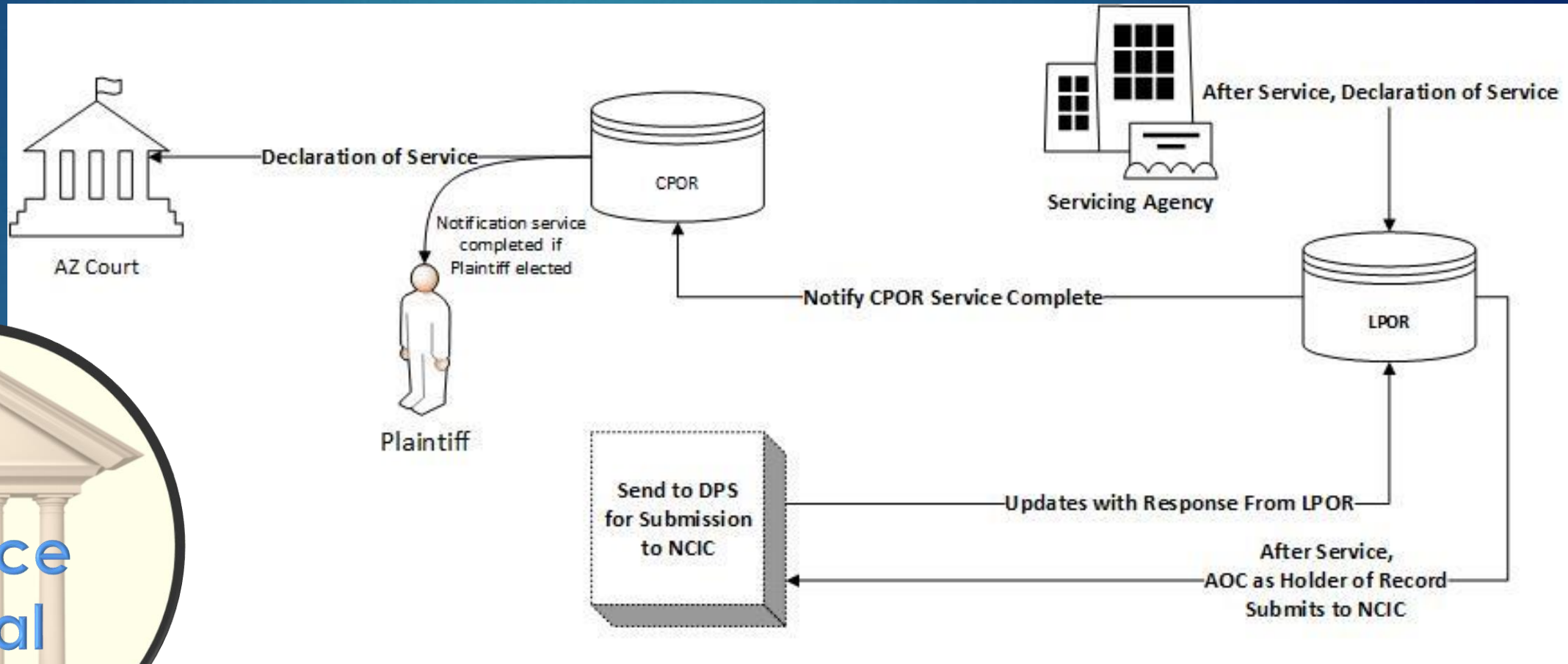


- ▶ Status of service—served or unserved?
- ▶ Agency/constable who was assigned service of the OP
- ▶ Notes about whether OP has been transferred between agencies*
- ▶ Can retrieve data for Declaration of Service and print the document

*future enhancement

Demo of Clerk Portal





Service Portal features



Once the Servicing Agency is assigned, documents transferred

- Service packet containing the petition, order, defendant's guide sheet
- Service of Process form

Law enforcement can update system on attempts

Law enforcement can transfer to another more appropriate law enforcement agency

Once service is completed, law enforcement will complete Declaration of Service in portal

Both court and plaintiff notified

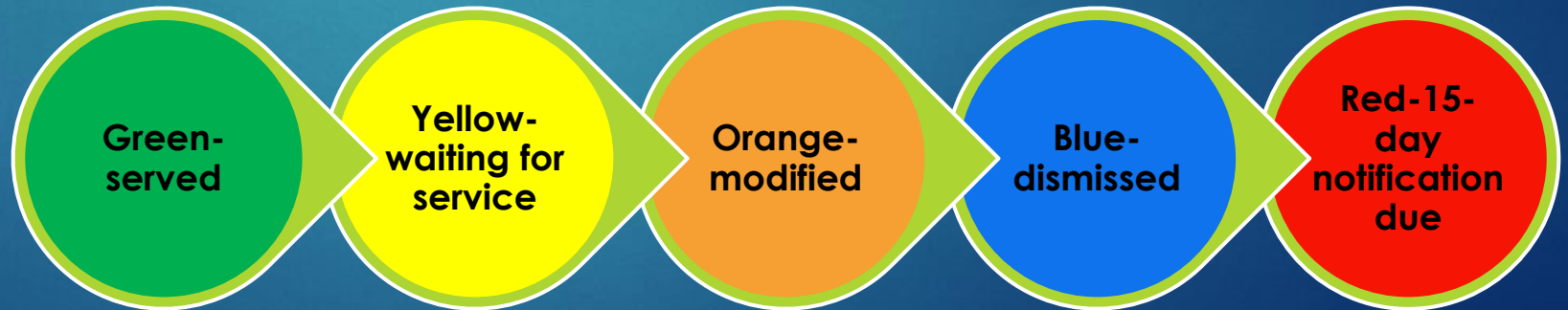
Contingency: Scan and email service packet and Service of Process form to LEA/constable

Status of an OP in the Service Portal



Dashboard – future enhancement

- ▶ Twice-a-day reminder to law enforcement orders to be served
- ▶ Law enforcement advised immediately of modifications and dismissals



General policies

- ▶ All courts must accept protective order petitions completed in the electronic petition web portal.
- ▶ All courts must upload related case data to CCR for submission to CPOR.
- ▶ The AOC is responsible for controlling access to CPOR to ensure only authorized access.
- ▶ The judge or clerk must sign the attestation and ensure the plaintiff verifies the petition.
- ▶ The symbol “/s/” with the printed name of the plaintiff, a judicial officer, a process server, or a clerk is deemed signed.
- ▶ An electronic document generated by CPOR is admissible under the rules of Evidence.
- ▶ The AOC Administrative Director may create additional administrative policies.
- ▶ All court staff and judges, responsible for processing and issuing orders of protecting must complete training.

Computer-generated orders are best!

- ▶ Handwritten orders result in mismatch (e.g., Plaintiff's is handwritten; Defendant's computer generated).
- ▶ Best practice is to start issuing computer-generated OPs now to allow clerks time to adapt to change in process.



AJACS courts

AJACS PO module has print capacity to facilitate legible, computer-generated orders. Clerks should start using this function now to become familiar with process.



Instead of having to enter data after the order is issued, the data will be entered while Plaintiff is present.

Glendale's current computer-generated process

- ▶ Case is not created
- ▶ Petition and checklist go to judge
- ▶ Judge completes checklist and indicates order granted on log sheet
- ▶ Clerk can edit petition based on courtroom testimony
- ▶ Clerk creates case and order
- ▶ Clerk has Plaintiff verify information
- ▶ Documents go back to judge for approval; signs log sheet—order approved
- ▶ Clerk gives documents to Plaintiff



Glendale has
4 workstations
for portal use



Service issue: When Defendant's location is unknown

- ▶ Will courts be able to see the Service of Process Information Form to know whether it has been completed? Yes
- ▶ Plaintiff must provide city and state where it's believed Defendant can be served.
- ▶ Stress the importance of completing the entire form so alternate locations for service are provided.

DO NOT SERVE THIS FORM ON THE DEFENDANT. DESTROY WHEN SERVED.
Notice: This form will be used by the agency that will serve your court documents. Be accurate and complete when filling out this form. Without this information, your documents may not get served.
THIS FORM IS CONFIDENTIAL AND WILL NOT BE GIVEN TO THE DEFENDANT.

Plaintiff _____ v. Defendant _____	Case No. _____ Date Issued _____	SERVICE OF PROCESS INFORMATION FORM
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Your name	Email
Address	Main phone *Cell
City, State, ZIP	*Will you accept text messages on this cell or at another number? <input type="checkbox"/> Yes <input type="checkbox"/> No Alternate number

DEFENDANT'S INFORMATION (person you want to be served)

Defendant's name	Birthdate <input type="checkbox"/> Actual <input type="checkbox"/> Estimated							
Address <i>include apartment and building number</i>	Does Defendant need an interpreter? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, language needed							
City, State, ZIP Apartment complex name	Does Defendant live with you now? <input type="checkbox"/> Yes <input type="checkbox"/> No							
Sex	Race	Height	Weight	Eye color	Hair color	Driver license #	State	Expiration date

Defendant's ethnicity is: ☐ Hispanic ☐ Not Hispanic

Company name	Work phone
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Business process



- ▶ /s/
 - ▶ Plaintiff's signature
 - ▶ Petition attestation
 - ▶ Order
 - ▶ Declaration of Service
- ▶ Defendant will be served with order having the judge's digital signature as above.
- ▶ For the plaintiff's copy: Are you going to sign order or give the plaintiff the digitally signature applied version?
- ▶ Establish your workflow.

Thank you!

Judge Contact

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Presiding Judge

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